

**REGULAR MEETING
MARCH 16, 2000**

The Ashland Board of Commissioners met in Regular Session in the Commission Chambers, City Building, Ashland, Kentucky, on Thursday, March 16, 2000, at the hour of 7:00 PM. Those present were Commissioners: Nancy Dickinson, Paul Reeves, Kevin Gunderson, Michael Stewart and Mayor A. R. Dunnigan, who presided. Also present were: William H. Fisher, Jr., City Manager; Richard W. Martin, Corporation Counsel; Kevin P. Sinnette, Assistant Corporation Counsel & Acting Director of Planning and Community Development; Deborah Musser, City Clerk; Mark Osborne, Fire Chief; Tom Kelley, Chief of Police; Tony Grubb, Finance Director; Amanda Sinnette, Economic Development Director; Marion Russell, Acting Director of Public Services; Tim Moore, Acting Assistant Director of Public Services; Mike Rogers, Mass Transit Superintendent; Bruce Craft, Recreation Division and Reporters.

The invocation was given by Mayor Dunnigan.

The Pledge of Allegiance was conducted.

AGENDA

City Manager Fisher presented the agenda of March 16, 2000. Motion was made by Stewart, seconded by Gunderson, to receive and file the agenda. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

HEARINGS & REPORTS

Mayor's Comments – Mayor Dunnigan reported that he will deliver his State of the City Address at the April 6 meeting.

PUBLIC PARTICIPATION

Gene Kouns, 2931 Dawes Street, appeared before the Commission and asked for clarification about how it was determined that the City have a City Manager form of government. He was advised that there was a general election in the early 1980's.

Velma Certain, 1008 Belmont Street, appeared before the Commission concerning a problem with the rehabilitation done on her property. Ms. Certain stated the house was unsafe due to electrical problems and she has left the house. The matter was referred to the City Manager, Legal Department and Planning & Community Development for review.

OLD BUSINESS

TABLED

ORDINANCE NO. _____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,
PROHIBITING PARKING IN THE 700 BLOCK OF 27TH
STREET AND PROVIDING A PENALTY FOR THE
VIOLATION OF THIS ORDINANCE.

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MOTION

REGULAR MEETING MARCH 2, 2000
ORDINANCE NO. 28, 2000

ORDINANCE NO. 28, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,
AUTHORIZING AND DIRECTING A. R. DUNNIGAN,
MAYOR, TO EXECUTE A CONTRACT BETWEEN THE CITY
OF ASHLAND AND MOUNTAIN ENTERPRISES, INC. FOR
THE PURCHASE OF ALL LABOR, MATERIALS,
EQUIPMENT AND SERVICES FOR THE PLACEMENT AND
REPLACEMENT OF BITUMINOUS ASPHALT MATERIAL
FOR THE 2000-2001 STREET PAVING PROGRAM FOR THE
DEPARTMENT OF PUBLIC SERVICES, DIVISION OF
STREETS.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor, be and he is hereby
authorized and directed to execute a contract between the City of Ashland, Kentucky and
Mountain Enterprises, Inc., P. O. Box 13070, Lexington, Kentucky, for the purchase of
all labor, materials, equipment and services for the placement and replacement of
bituminous asphalt material for the 2000-2001 street paving program for the Department
of Public Services, Division of Streets, in an amount not to exceed those set forth in the
attached contract. A copy of said contract is attached hereto and made a part hereof by
reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith,
to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and
after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in
summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 2, 2000
READOPTED BY THE BOARD OF COMMISSIONERS: March 16, 2000
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. 28, 2000,
at this its second reading. Upon roll call, voting aye were Commissioners Dickinson,
Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 29, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. 29, 2000

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor, be and he is hereby authorized and directed to execute a contract between the City of Ashland, Kentucky and F & L Electronics, Inc., 225 Fourth Avenue, Huntington, West Virginia, for the purchase of two-way radio equipment in accordance with the bid of the company in an amount not to exceed those set forth in the attached contract. A copy of said contract is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 2, 2000
READOPTED BY THE BOARD OF COMMISSIONERS: March 16, 2000
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 29, 2000, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 30, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING A. R. DUNNIGAN, MAYOR, TO EXECUTE A DEED BETWEEN THE CITY OF ASHLAND, KENTUCKY, AND WILLIAM R. ASCHENAUER REGARDING THE PURCHASE OF PROPERTY AT 29TH STREET & BEECH STREET TO BE USED FOR THE CONSTRUCTION OF A FIRE STATION.

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor, is hereby authorized and directed to execute on behalf of said City a Deed between the City of Ashland, Kentucky and William R. Aschenauer regarding the purchase of property at 29th Street & Beech

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. 30, 2000 CONTINUED

SECTION 3. All ordinances of the City of Ashland and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 4. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 5. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 2, 2000
READOPTED BY THE BOARD OF COMMISSIONERS: March 16, 2000
PUBLISHED:

MOTION

Motion was made by Dickinson, seconded by Reeves, to adopt Ordinance No. 30, 2000, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

SECOND READING & FINAL ADOPTION

ORDINANCE NO. 31, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY,
AUTHORIZING AND DIRECTING A. R. DUNNIGAN,
MAYOR, TO EXECUTE AN AGREEMENT BETWEEN THE
CITY OF ASHLAND, KENTUCKY AND ASHLAND CITY
FIREFIGHTERS, LOCAL 706, INTERNATIONAL
ASSOCIATION OF FIREFIGHTERS, AFL-CIO-CLC.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That A. R. Dunnigan, Mayor, be and he is hereby authorized and directed to execute an agreement between the City of Ashland, Kentucky and Ashland City Firefighters, Local 706, International Association of Firefighters, AFL-CIO-CLC. A copy of said agreement is attached hereto and made a part hereof by reference.

SECTION 2. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 3. This ordinance shall be in full force and effect from and after its adoption, readoption and publication, as required by law.

SECTION 4. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. 31, 2000 CONTINUED

ADOPTED BY THE BOARD OF COMMISSIONERS: March 2, 2000
READOPTED BY THE BOARD OF COMMISSIONERS: March 16, 2000
PUBLISHED:

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. 31, 2000, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

DISCUSSION ITEM

Request for limited use of right-of-way by Tim Robinette, NationsRent, 1213 Winchester Avenue – Motion was made by Reeves, seconded by Dickinson, authorizing the Legal Department to prepare an ordinance granting this request. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gundeson, Stewart and Mayor Dunnigan. Nay – none. Motion passed.

CONSENT AGENDA

RESOLUTION NO. 9, 2000

A RESOLUTION OF THE CITY OF ASHLAND, KENTUCKY, ADOPTING, AUTHORIZING AND APPROVING THE COURSE OF ACTION RECOMMENDED BY THE CITY MANAGER ON THE ITEMS APPEARING ON THE CONSENT AGENDA FOR THE REGULAR MEETING OF THE BOARD OF CITY COMMISSIONERS OF **MARCH 16, 2000**.

* * * * *

BE IT RESOLVED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. The Board of City Commissioners hereby adopts, authorizes and approves the action recommended by the City Manager on each item appearing on the “Consent Agenda” for the meeting of **March 16, 2000**. Attached hereto and incorporated herein, as if set out in full, is a copy of the “Consent Agenda” hereby adopted, authorized and approved.

SECTION 2. This resolution shall be in full force and effect from and after its adoption, as required by law.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

/s/DEBORAH MUSSER
CITY CLERK

ADOPTED BY THE BOARD OF COMMISSIONERS: March 16, 2000

DISCUSSION

REGULAR MEETING MARCH 16, 2000
RESOLUTION NO. 9, 2000 CONTINUED

MOTION

Motion was made by Reeves, seconded by Stewart, to adopt Resolution No. 9, 2000. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

NEW BUSINESS

EMERGENCY CLAUSE

FIRST & SECOND READING & FINAL ADOPTION

ORDINANCE NO. 32, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING A. R. DUNNIGAN, MAYOR, TO EXECUTE AND FILE ON BEHALF OF THE CITY OF ASHLAND, KENTUCKY, AN APPLICATION WITH THE DEPARTMENT OF EMERGENCY SERVICES FOR FEDERAL FINANCIAL ASSISTANCE REFERENCE THE FLOOD DISASTER DECLARATION OF FEBRUARY 18, 2000 AND APPOINTING MARION RUSSELL, ACTING DIRECTOR OF PUBLIC SERVICES, AS THE CITY'S DESIGNEE TO REPRESENT THE CITY ON SAID FEMA PROJECT AND DECLARING AN EMERGENCY TO EXIST TO ALLOW TWO READINGS OF THIS ORDINANCE ON THE SAME DAY.

* * * * *

BE IT ORDAINED BY THE CITY OF ASHLAND, KENTUCKY:

SECTION 1. That the Board of Commissioners hereby authorizes and directs A. R. Dunnigan, Mayor, to execute and file on behalf of the City of Ashland, Kentucky, an application with the Department of Emergency Services for federal financial assistance reference the flood disaster declaration of February 18, 2000. A copy of said application is attached hereto and made a part hereof by reference.

SECTION 2. That Marion Russell, Acting Director of Public Services, is hereby appointed as the City's designee to represent the City of Ashland, Kentucky in regard to said FEMA project.

SECTION 3. Due to the time constraints and the Board of Commissioners is not scheduled to hold another regular meeting until April 6, 2000, an emergency is hereby declared to exist and the rules requiring this ordinance to be read on two separate days are hereby suspended.

SECTION 4. All ordinances and parts of ordinances in conflict herewith, to the extent of such conflict only, are hereby repealed.

SECTION 5. This ordinance shall be in full force and effect from and after its adoption and readoption, as provided in Section 3 and shall later be published, as required by law.

SECTION 6. It is hereby authorized that publication of this ordinance be in summary form.

/s/A. R. DUNNIGAN
MAYOR

ATTEST:

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. 32, 2000 CONTINUED

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay – none. Motion passed.

SUSPENSION OF RULES

Motion was made by Stewart, seconded by Gunderson, to suspend the rules requiring this ordinance to be read on two separate days. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay – none. Motion passed.

READOPTION

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. 32, 2000, at this its second reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay – none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING A. R. DUNNIGAN, MAYOR, TO EXECUTE A PROFESSIONAL AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND QUEST ENGINEERS, INC., RETAINING QUEST TO PROVIDE ENGINEERING SERVICES FOR SANITARY SEWER EXTENSIONS IN THE SKYLINE DRIVE/BOY SCOUT ROAD AREA WITHIN THE CITY OF ASHLAND, KENTUCKY.

MOTION

Motion was made by Stewart, seconded by Gunderson, to adopt Ordinance No. _____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AUTHORIZING AND DIRECTING A. R. DUNNIGAN, MAYOR, TO EXECUTE A PROFESSIONAL AGREEMENT BETWEEN THE CITY OF ASHLAND, KENTUCKY AND QUEST ENGINEERS, INC., RETAINING QUEST TO PROVIDE ENGINEERING SERVICES FOR THE PHASE II STORM WATER ACTION PLAN WITHIN THE CITY OF ASHLAND, KENTUCKY.

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. 2000

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, AMENDING THE AUTHORIZED POSITIONS FOR RECLASSIFICATION OF POSITIONS IN CITY CLERK/HUMAN RESOURCES DEPARTMENT AND ENGINEERING DIVISION OF PUBLIC SERVICES DEPARTMENT AND ADOPTING AMENDED JOB DESCRIPTIONS AS REPLACEMENTS FOR LICENSE FEE/ABC/CATV ADMINISTRATOR AND SECRETARY/CITY CLERK/HUMAN RESOURCES, DEPARTMENT OF CITY CLERK/HUMAN RESOURCES; ASSISTED HOUSING SPECIALIST, ASSISTED HOUSING INSPECTOR, HOUSING DEVELOPMENT SPECIALIST AND HOUSING REHABILITATION SPECIALIST IN THE DEPARTMENT OF PLANNING AND COMMUNITY DEVELOPMENT; ENGINEERING SUPERINTENDENT, ENGINEER ASSISTANT AND ENGINEERING TECHNICIAN, DIRECTOR OF PUBLIC SERVICES AND SECRETARY II, DEPARTMENT OF PUBLIC SERVICES, AND POLICE CHIEF, POLICE CAPTAIN, POLICE LIEUTENANT AND POLICE SERGEANT, DEPARTMENT OF POLICE, AS ADOPTED BY ORDINANCE NO. 25, SERIES OF 1991, AS PREVIOUSLY AMENDED.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. _____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. _____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 99, SERIES OF 1994, WHICH AUTHORIZED ACTION IN BOYD CIRCUIT COURT TO CLOSE A 15 FOOT ALLEY RIGHT-OF-WAY EAST OF AND BETWEEN 1908 – 1912 PROSPECT AVENUE WITHIN THE CITY OF ASHLAND.

MOTION

Motion was made by Reeves, seconded by Stewart, to adopt Ordinance No. _____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. __, 2000

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 30, SERIES OF 1948, AS AMENDED BY ORDINANCE NO. 52, SERIES OF 1950, REGARDING THE ISSUANCE OF TAXICAB LICENSES AND ESTABLISHED THE RATE OF PAYMENT THEREFOR.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. ____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 31, SERIES OF 1948, AS AMENDED BY ORDINANCE NO. 89, SERIES OF 1958, WHICH PROVIDED FOR LICENSING AND FEES FOR THE PRIVILEGE OF OPERATING OR PERMITTING TO BE OPERATED CERTAIN LAWFUL COIN OR TOKEN OPERATED VENDING MACHINES OR DEVICES.

MOTION

Motion was made by Stewart, seconded by Reeves, to adopt Ordinance No. ____, 2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson, Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND, KENTUCKY, REPEALING ORDINANCE NO. 46, SERIES OF 1963, WHICH PROHIBITED THE OPERATION OF A BUDGET SERVICE COMPANY WHEREBY THERE WAS RENDERED FINANCIAL PLANNING AND MANAGEMENT SERVICE TO INDIVIDUALS BY MANAGING THE FINANCIAL AFFAIRS THEREOF AND RECEIVING FUNDS FROM INDIVIDUALS AND MANAGING AND DISTRIBUTING SAME TO THE CREDITORS THEREOF WITHIN SAID CITY OF ASHLAND, KENTUCKY.

REGULAR MEETING MARCH 16, 2000
ORDINANCE NO. __, 2000

FIRST READING & ADOPTION ONLY

ORDINANCE NO. ____, 2000

AN ORDINANCE OF THE CITY OF ASHLAND,
KENTUCKY, REPEALING ORDINANCE NO. 63,
SERIES OF 1960, WHICH IMPOSED A STREET
USAGE FEE OR TAX UPON ALL PERSONS, FIRMS
OR CORPORATIONS ENGAGED IN BUSINESS AS
DEALERS IN MOTOR VEHICLES WITHIN THE CITY
OF ASHLAND.

MOTION

Motion was made by Gunderson, seconded by Reeves, to adopt Ordinance No. ____,
2000, at this its first reading. Upon roll call, voting aye were Commissioners Dickinson,
Reeves, Gunderson, Stewart and Mayor Dunnigan. Nay - none. Motion passed.

DISCUSSION ITEM

**Request from David W. Young, Young Signs, for a sign waiver for property he owns
at the intersection of Shelby and 13th Street** – The Commission advised that staff is to
send notices to all neighbors within a two (2) block area.

ADJOURNMENT

Mayor Dunnigan declared the meeting adjourned at 7:47 PM.

A.R. DUNNIGAN, MAYOR

ATTEST:

DEBORAH MUSSER
CITY CLERK